IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4013 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MULJIBHAI DANABHAI SONDARVA C/O CD SONDARVA - Petitioner(s)

Versus

G S R T CORPORATION - Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1.

MR YOGESH S LAKHANI for Respondent No(s).: 1.
MR MURALI N DEVNANI for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the order dated 21.11.1996 passed by the Labour Court, Surendranagar, in

Reference No.331 of 1992, whereby the petitioner was refused full back wages for the interim period.

2.0 The brief facts of the case are that the petitioner was working as a Conductor with the respondent Corporation. On 23.09.1986 while the petitioner was on duty, the bus was checked by the checking squad of the petitioner Corporation and the squad found certain irregularities in the issuance of tickets. Charge-sheet was issued to the petitioner and departmental inquiry was held against him. Since the charges leveled against him were proved, the petitioner was dismissed from service.

2.1 Against the said order, the petitioner preferred a reference before the Labour Court, Surendranagar. The Labour Court by impugned award granted reinstatement with continuity of service with 25 per cent back wages for the interim period. The denial of 75 per cent back wages is challenged by way of this petition.

3.0 I have heard learned counsel for the parties. Having gone through the impugned award of the Labour Court, it appears that the main reason which has weighed with the Labour Court for awarding 25 per cent back wages is that

it cannot be presumed that the petitioner was not gainfully employed during the interim period. The Labour Court was justified in denying 75 per cent back wages to the petitioner. I am in complete agreement with the reasonings given by and the findings arrived at by the Labour Court and find no reason to interfere in this petition.

4.0 In the result, this petition is dismissed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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